

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 10 and 15 to clarify the claim language. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-10 and 15-18 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-3, 7-10, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bright et al (US PAT PUB 2002/0169883, hereinafter Bright) in view of Easley (US PAT PUB 2007/0093245, hereinafter Easley). The Applicant traverses the rejection of these claims

MPEP 2143 -To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Applicant respectfully directs the Examiner's attention to claim 1.

1. (Currently Amended) A method of routing a connectivity plane message to a mobile terminal which can be reached via two or more network nodes of a first type, comprising the steps of:

determining positional information, by a network node of a second type to which the mobile terminal is attached, indicating the geographical location of the mobile terminal and routing information, the routing information being associated with the network node of a second type;

based on the positional information, choosing the network node of the first type via which the connectivity plane message is to be routed to the mobile terminal;

designating a roaming number based on a preferred routing using the positional information and determined network node of the first type to which the connectivity plane message is routed;
sending the roaming number by the network node of the second type; and
routing the connectivity plane message to the mobile terminal via the preferred routing of the roaming number. (Emphasis added)

The Applicant respectfully submits that the Bright reference and the Easley reference, individually or in combination, do not teach or suggest the emphasized limitations of claim 1.

The Bright reference is concerned with a multiple protocol home location register (HLR). In the Bright reference the mobile station (MS) is shown connected to a single base station. There are two networks of different protocols involved and Bright discloses method and systems to manage mobility between multiple systems using different protocols. The cited portion of Bright (para [0059] – [0060]) is directed to a call from a GSM system terminating in ANSI. An IAM is sent to a mediation device which stores a relayed PRN from the GSM system. The PRN message is converted and sent to the ANSI HLR.

The Easley reference is cited for disclosing the use of an IAM for sending positional information. The indicated reason for including Easley is that inclusion of the positioning information enables routing information to reliably and efficiently determine correct routing parameters. However, the Bright reference does not mention positional information and even though the Easley reference is in the same field of endeavor, there doesn't appear to be a suggestion by Bright to include the teachings of Easley for sending positional information. Also, neither the Bright nor Easley references disclose choosing to route a connectivity plane message through one of two different nodes that are connected to the same MS.

In contrast to Bright and Easley, the Applicant's invention discloses the use of the IAM and a connectivity plane message being sent simultaneously; "...[I]AM (initial access message) is sent from the fixed line switch 46 via the PSTN 32 to the GMSC 44 (arrow 1). Simultaneously, connectivity plane messages (thick line) are routed from the

fixed line switch 46 via the..." (page 12, lines 5-9). Furthermore, the IAM triggers a message that does provide a routing number; "... [I]n response to receipt of the IAM message, the GMSC 44 requests routing information (roaming number, RN) from the HLR 40 using a Send Routing Info message." (page 12, lines 11-12). Thus, Applicant distinguishes between an IAM and a connectivity plane message (e.g., SRI message) to get routing information.

As discussed above, the amended base claim 1 contains limitations which are not found in Bright or in the Easley reference. As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Bright and Easley references do not provide the missing claim limitations. Thus, the combination of Bright and Easley do not teach all of the claim elements. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that the rejection of claim 1 be withdrawn.

Claims 10 and 15 are analogous independent claims, containing similar limitations, to claim 1. Claims 2-3, 7-9 and 18 depend from claims 1 and 15 respectively and recite further limitations in combination with the novel elements of claims 1 and 15. Therefore, the allowance of claims 2-3, 7-9 and 18 are respectfully requested.

Claims 4-6 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bright and Easley as applied to claim 1 above and further in view of Lin (US PAT PUB 2002/0196770). The Applicant respectfully traverses the rejection of these claims.

It is respectfully submitted that Lin does not address the above-identified deficiencies with respect to Applicant's invention. The combination of the Bright, Easley and Lin references fail to teach determining positional information of the MS for determining a node of a first type and of routing a connectivity plane message to a MS via a chosen node. The allowance of Claims 4-6 and 16-17 is respectfully requested..

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bright et al (US PAT PUB 2002/0169883, hereinafter Bright) in further view of Ginter (US PAT 5579375, hereinafter Ginter). The Applicant respectfully traverses the rejection of this claim.

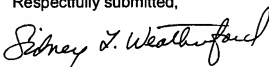
It is respectfully submitted that Ginter does not address the above-identified deficiencies with respect to Applicant's invention. The combination of the Bright, and Ginter references fail to teach determining positional information of the MS for determining a node of a first type and of routing a connectivity plane message to a MS via a chosen node. The allowance of Claim 15 is respectfully requested..

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sidney L. Weatherford". The signature is fluid and cursive, with the first name "Sidney" being the most prominent part.

By Sidney L. Weatherford
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Date: December 9, 2008

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